

RCE/1636

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**REQUEST FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

MAR 2 2001

Application Number: 08/765,026

Filing Date: January 29, 2001

First Named Inventor: Martine BARKATS et al.

Group Art Unit: 1636

Examiner: D. Guzo

Attorney Docket Number: 03804.0118

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114:

#30

a. Previously submitted

- i. Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on [Date] _____
- ii. Consider the arguments in the Appeal Brief of Reply Brief previously filed on [Date] _____
- iii. Other _____

b. Enclosed:

- i. Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement
- iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. Other _____

3. Fees

a. The filing fee is calculated as follows:

- i. \$740.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. Petition for extension of time for (3 Months) \$920.00
- iii. Other _____

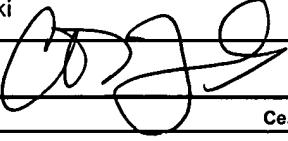
b. Check in the amount of \$1,660.00 enclosed.

c. The Director is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Charles D. Niebylski

Reg. No.: 46,116

Signature: 

Date: March 21, 2002

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, BOX RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: [Date]

03 Name: D. NGUYEN 0000009 08765026

01 Signature: 740.00 OP Date:



22852
PATENT TRADEMARK OFFICE



PATENT
Attorney Docket No. 03804-0118

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MAR 26 2002
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Martine BARKATS et al.)
Serial No.: 08/765,026) Group Art Unit: 1636
Filed: January 29, 2001) Examiner: D. Guzo
For: ADENOVIRUS INCLUDING A)
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Box RCE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUBMISSION UNDER 37 C.F.R. § 1.114

In reply to the final Office Action mailed on September 25, 2001, Applicants file a Request for Continued Examination and submit the following amendment and arguments in accordance with the requirements of 37 C.F.R. § 1.114. By virtue of the concurrently-filed Petition for a Three-Month Extension of Time and appropriate fee, this Request for Continued Examination and Amendment and Request for Reconsideration are due by March 25, 2002, and are timely filed.

AMENDMENT

IN THE CLAIMS:

Please cancel claims 76, 77, and 80, without prejudice or disclaimer, and amend claims 47, 62, 68, and 81 as follows:

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